

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARK R. PERCIVAL as the Administrator of
the Estate of Marion R. Wilson, deceased; and
WILLIAM L.E. DUSSAULT as Litigation
Guardian ad Litem of R.S.C. and S.D.C.,
minor children,

Plaintiffs,

v.

GENERAL ELECTRIC COMPANY, a New
York corporation; ALL-CLAD
METALCRAFTERS, LLC, a Delaware
corporation; and ALBERT LEE, INC., d/b/a
ALBERT LEE APPLIANCE, a Washington
corporation,

Defendants.

Case No. C09-1802RSL

ORDER DENYING GENERAL
ELECTRIC'S MOTION FOR
CERTIFICATION OF QUESTION TO THE
WASHINGTON STATE SUPREME COURT

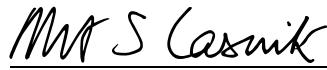
This matter comes before the Court on "Defendant General Electric Company's Motion for Certification of State Law Question to State Court." Dkt. # 29. At oral argument on April 16, 2010, the Court inquired whether any of the parties had contemplated the possibility of certifying the standing issue to the Washington State Supreme Court. Counsel for General Electric was present and did not indicate a preference for certification. The Court therefore resolved the motions on the merits, finding that the decedent's grandsons have standing to bring

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1 a claim for negligent infliction of emotional distress under Washington law.

2 General Electric is attempting to have a second bite at the proverbial apple.
3 Having chosen to present an issue of state law to this Court, it now seeks certification so that it
4 can make the same arguments in a different forum. General Electric's request is untimely,
5 would waste judicial resources, and cannot be justified in the context of this case. The motion to
6 certify is DENIED.

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8 Dated this 28th day of May, 2010.

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10 Robert S. Lasnik
11 United States District Judge
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27 MOTION FOR CERTIFICATION